<u>REMARKS</u>

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 and 32-35 are currently pending. Claims 1, 16, 25, and 34 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-30 and 32-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,987,513 to <u>Prithviraj et al.</u> (hereinafter "the '513 patent") in view of U.S. Patent No. 5,655,081 to <u>Bonnell et al.</u> (hereinafter "the '081 patent").

Amended Claim 1 is directed to a computer implemented remote device monitoring system, comprising: (1) a local monitoring device configured to collect information from a device connected to a first network using a network management protocol, and to send the information to a monitor connected to a second network via a wide area network using a protocol; and (2) the monitor configured to receive the information using the protocol and to store the information in a digital repository connected to the second network. Further, Claim 1 recites that the local monitoring device is configured to automatically request the information from the device, without receiving any instructions from the monitor requesting that the information be collected from the device. Further, Claim 1 has been amended to clarify that, <u>after initialization of the local monitoring device, the local monitoring device is configured to automatically send the information to the monitor, without receiving any instructions from the monitor requesting that the collected information be sent</u>. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.[1]

---

[1] See, e.g., Figure 7 and the discussion related thereto in the specification.

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-15) is rendered moot by the present amendment to Claim 1.

Regarding the rejection of Claim 1 under 35 U.S.C. §103(a), the Office Action relies on the teachings of the '513 and '081 patents. However, Applicants note that the Office Action fails to specifically indicate the shortcomings of the '513 patent with respect to Claim 1. Nevertheless, page 27 of the Office Action states that "the newly amended independent claims have been evaluated and it was determined that the Prithviraj prior art did not overcome the newly amended material." Moreover, page 3 of the outstanding Office Action states that "Bonnell also teaches a network monitoring design. The design features agents that are autonomous and are capable of managing and monitoring by themselves (column 6, lines 42-47, Bonnell)." Thus, Applicants believe the Office Action is asserting that the '513 patent fails to disclose that the local monitoring device is configured to automatically request the information from the device, without receiving any instructions from the monitor requesting that the information be collected from the device, and that the '081 patent remedies that deficiency.

The '513 patent is directed to a network-based management system using browser-based technology. As shown in Figure 1, the '513 patent discloses a network management station 101 that can be used to manage all of the elements in networks 110, 150, and 190. In particular, the '513 patent discloses that hypertext documents are used to graphically represent the network elements and to allow a user to manage the network by clicking on hyperlinks, which causes the system to retrieve information related to the corresponding network elements. For example, the '513 patent discloses that the simple network management protocol (SNMP) is used to retrieve information from the network elements using agents residing on the server or client computers. However, Applicants respectfully submit that the '513 patent fails to disclose both a local monitoring device configured to

11

collect information from a device connected to a first network using a network management protocol, and a monitor, connected to a second network via a wide area network, configured to receive the information using a protocol, wherein the local monitoring device is configured to automatically request the information from the device, <u>without receiving any instructions from the monitor requesting that the information be collected from the device</u>, as recited in amended Claim 1. Rather, the '513 patent merely discloses a web-based network management station configured to obtain information from a device over a network, in response to user commands, by directing an agent to obtain various data values using SNMP commands.[2] Thus, the '513 patent requires the user to initiate and request, via a browser and the network management station (server), the collection of information from a device, e.g., by setting a refresh interval. Moreover, Applicants respectfully submit that the '513 patent fails to disclose that, after initialization of the local monitoring device, <u>the local monitoring device is configured to automatically send the information to the monitor, without receiving any instructions from the monitor</u> requesting that the collected information be sent. As discussed above, the '513 patent requires a user to initiate a request for collection and sending of information to the network management station.

The '081 patent is directed to a system for monitoring and managing computer resources and applications across a distributed computing environment. As shown in Figure 1, the '081 patent discloses agent software 36 located in a storage device of a server computer system 14. As shown in Figure 16, the '081 patent discloses that certain resources are to be monitored and managed at all times (default resources). However, as shown in Figures 17-21, the '081 patent discloses that information collected by the agent is sent only to consoles that have registered with the agent to receive the particular information. In particular, the '081 patent discloses that

---

[2] See, e.g., '513 patent, column 8, line 55 to column 9, line 51.

> [t]he agent also sends messages to each console registered to
> receive information; but the agent only sends information that
> each console is interested in receiving based on the console's
> registration information, thus reducing network traffic.[3]

Thus, Applicants respectfully submit that the '081 patent fails to disclose that, after initialization of the local monitoring device, a local monitoring device is configured to automatically send the information to a monitor, without receiving any instructions from the monitor requesting that the collected information be sent, as recited in amended Claim 1. Rather, the '081 patent discloses that only specifically requested information is sent only to consoles that have registered with the agent, i.e., have sent registration information to the agent indicating which resources and parameters are to be monitored for that console. See, e.g., step 340 of Figure 24 and the registration process shown in Figure 19 of the '081 patent.

Thus, no matter how the teachings of the '513 and '081 patents are combined, the combination does not teach or suggest a local monitoring device that is configured to automatically send collected information to the monitor, without receiving any instructions from the monitor, after initialization of the local monitoring device, requesting that the collected information be sent, as recited in Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 (and dependent Claims 2-15) patentably define over any proper combination of the '513 and '081 patents.

Independent Claims 16, 25, and 34 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 16, 25, and 34 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 16, 25, and 34 (and all associated dependent claims) are rendered moot by the present amendment to the independent claims.

---

[3] '081 patent, column 7, lines 27-31.

Thus, it is respectfully submitted that independent Claims 1, 16, 25, and 34 (and all associated dependent claims) patentably define over any proper combination of the '513 and '081 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.
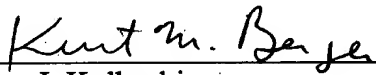
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
KMB/rac

James J. Kulbaski
Attorney of Record
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461

I:\ATTY\KMB\198'S\198775US\198775US-AM2.DOC